

EXHIBIT 1

INTRODUCTION

Respondent City of Inglewood is located in the County of Los Angeles. Government Code section 89001 of the Political Reform Act (the “Act”)¹ prohibits the sending of a newsletter or mass mailing at public expense, if the mailing features an elected officer affiliated with the agency that produces or sends the mailing. In this matter, Respondent contracted with a third party vendor who sent ten mass mailings at public expense featuring various elected city officials including: City of Inglewood Mayor Roosevelt Dorn, City of Inglewood Councilmembers Curren Price, Jr., Jose Fernandez, Lawrence Kirkley, Eloy Morales, Jr., and City of Inglewood Treasurer Wanda Brown.

For the purposes of this stipulation, Respondent’s violations of the Act are stated as follows:

- COUNT 1:** Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the October 2000 issue of a magazine entitled *Inglewood Today*, which featured three elected city officials, in violation of section 89001.
- COUNT 2:** Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the December 2000 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 3:** Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the March 2001 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 4:** Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the January 2002 issue of a magazine entitled *Inglewood Today*, which featured four elected city officials, in violation of section 89001.
- COUNT 5:** Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the February 2002 issue of a magazine entitled *Inglewood Today*, which featured four elected city officials, in violation of section 89001.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

- COUNT 6: Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the April 2002 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 7: Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the July 2002 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 8: Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the December 2002 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 9: Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the August 2003 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.
- COUNT 10: Respondent City of Inglewood sent a mass mailing at public expense by sending to city residents the September 2003 issue of a magazine entitled *Inglewood Today*, which featured an elected city official, in violation of section 89001.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in section 81002, subdivision (e), is to ensure that laws and practices unfairly favoring incumbents be abolished in order for elections to be conducted more fairly. The Act therefore places restrictions on the use of public funds by an incumbent elected officer when communicating with his or her constituents. (*Watson v. Fair Political Practices Com.* (1990) 217 Cal.App.3d 1059.) Section 89001 prohibits the sending of a newsletter or mass mailing at public expense. Section 82041.5 defines a “mass mailing” as more than 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

Regulation 18901, subdivision (a) provides that a mailing is prohibited by section 89001 if four criteria are met. First, the item must be delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box. The item may be any tangible item, such as a videotape, record, button, or written document. (Regulation 18901, subd. (a)(1).)

Second, the item must feature an elected officer affiliated with the agency that produces or sends the mailing. (Regulation 18901, subd. (a)(2)(A).) In the alternative, the item must include the name, office, photograph, or other reference to an elected officer affiliated with the agency that produces or sends the mailing, and must be prepared or sent in cooperation,

consultation, coordination, or concert with the elected officer. (Regulation 18901, subd. (a)(2)(B).) An item features an elected officer when the item includes the elected officer's photograph or signature, or singles out the elected officer by the manner of display of his or her name or office in the layout of the document. (Regulation 18901, subd. (c)(2).)

Third, the cost of distributing the item must be paid for with public moneys. (Regulation 18901, subd. (a)(3)(A).) In the alternative, the cost of designing, producing, and printing the item must exceed \$50 and must be paid for with public moneys and the design, production, or printing is done with the intent of sending the item other than as permitted by regulation 18901. (Regulation 18901, subd. (a)(3)(B).)

Fourth, more than 200 substantially similar items must be sent, in a single calendar month, excluding any item sent in response to an unsolicited request. (Regulation 18901, subd. (a)(4).)

SUMMARY OF THE FACTS

COUNTS 1-10

Sending a Prohibited Mass Mailing at Public Expense

As a government agency, Respondent is prohibited from sending any newsletter or other mass mailing at public expense if the mailing features an elected officer affiliated with the agency that produces or sends the mailing.

In May 1996, Respondent entered into a contract with Ads-Up Advertising, Inc. ("Ads-Up"). Pursuant to the contract, Respondent agreed to pay \$10,800 per month to Ads-Up, and Ads-Up agreed to develop, print, circulate, and deliver, to every business and residence in the City of Inglewood, a monthly magazine entitled *Inglewood Today*. The contract also provided that at least 11 pages would be dedicated for use by the city.

From October 2000 to September 2003, ten monthly issues of *Inglewood Today* impermissibly featured one or more elected city officials. The following table lists the month and year of the city newsletter in which an elected city official was featured, the name of the elected official who was featured, and the manner in which the official was featured:

Count	Monthly Issue of Newsletter	Elected City Official(s) Featured	How Official Was Featured in Newsletter
1	October 2000	Mayor Roosevelt Dorn Councilmember Jose Fernandez City Treasurer Wanda Brown	Separate photograph of each official.
2	December 2000	City Treasurer Wanda Brown	Single photograph.
3	March 2001	Mayor Roosevelt Dorn	Group photograph on cover of newsletter.
4	January 2002	Mayor Roosevelt Dorn Councilmember Curren Price, Jr. Councilmember Jose Fernandez	Group photograph of each official.

		Councilmember Lawrence Kirkley	
5	February 2002	Mayor Roosevelt Dorn Councilmember Curren Price, Jr. Councilmember Jose Fernandez Councilmember Lawrence Kirkley	Group photograph of each official and separate photograph of mayor.
6	April 2002	Mayor Roosevelt Dorn	Group photograph.
7	July 2002	Mayor Roosevelt Dorn	Group photograph.
8	December 2002	Mayor Roosevelt Dorn	Group photograph.
9	August 2003	Councilmember Curren Price, Jr.	Group photograph.
10	September 2003	Councilmember Eloy Morales, Jr.	Group photograph.

By contracting with a third party vendor who sent ten mailings at public expense featuring elected officials of the City of Inglewood, Respondent committed ten violations of section 89001.

Additional Information

Respondent was the subject of a previous enforcement action, which also involved the same publication and type of mass mailing violation that is the subject of this stipulation. In the previous matter, Respondent violated section 81009 by including a monthly column in each issue of *Inglewood Today* that was written by Inglewood Mayor Roosevelt Dorn. The previous matter was resolved with the issuance of a warning letter in September 2000.

CONCLUSION

This matter consists of ten counts of violating section 89001, and carries a maximum possible administrative penalty of \$5,000 per violation, for a total administrative penalty of \$50,000

Sending a prohibited mass mailing at public expense is a serious violation of the Act, as it harms the integrity of the election process. As Respondent was previously admonished for similar violations, the facts of this case justify imposition of the maximum administrative penalty of \$50,000.